

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. J-03/10-126
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division denying his application for General Assistance (GA). The issue is whether the petitioner was actively pursuing alternative sources of income. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner began receiving GA in September 2008. At the time he was in the process of applying for SSI disability benefits.
2. He continued to receive GA on a regular basis until March 2010. At that time the Department learned that in September 2009 the petitioner had been denied SSI and that he had not appealed that decision or reapplied for those benefits. It appears that the petitioner is well past the appeal deadline for the September 2009 SSI decision.
3. At all times, the petitioner has claimed to be disabled, and the Department has determined that he is not

"able bodied" as defined in the GA regulations. At the hearing in this matter, held on April 14, 2010, the petitioner indicated that he would promptly reapply for SSI. The Department indicated that if he did so he could reapply for GA as long as his SSI application (and, if necessary, that appeal process) is pending.

ORDER

The Department's decision is affirmed.

REASONS

Applicants for GA must meet all the eligibility criteria set out at W.A.M. § 2610B, which includes the following provision:

(3). . . "actively pursuing all sources of potential income appropriate to their situation, such as, but not limited to. . .SSI. . . Pursuit of potential income means initiating an application (for SSI). . .prior to a subsequent GA grant. . .

As noted above, the petitioner has claimed to be disabled since at least September 2008. Under the above regulation it is not unreasonable for the Department to require him to continue to pursue SSI benefits, especially considering that it has now been over one-and-a-half years since he last applied for SSI, and over six months since that application was denied. Accordingly, the Department's

decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing
Rule No. 1000.4D.

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